

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMPIRE MERCHANTS, LLC,

Plaintiff,

-against-

CHARLES MERINOFF and

GREGORY BAIRD,

Defendants

No. 16-CV-9590 (JMF)

CHARLES MERINOFF and

GREGORY BAIRD,

Counterclaim-Plaintiffs,

-against-

EMPIRE MERCHANTS, LLC,

Counterclaim-Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and all prior pleadings and proceedings had herein, and such argument as may be received by this Court at the time of a hearing, Defendants Charles Merinoff and Gregory Baird (together “**Defendants**”), by and through their undersigned counsel, will move this Court before the Honorable Jesse M. Furman, United States District Judge, in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date to be determined by the Court, for an order pursuant to Federal Rule of Civil Procedure 54(b) certifying as final, for purposes of appeal, the Court’s Orders denying Defendants advancement of their attorneys’ fees and expenses incurred following the filing, by Plaintiff Empire

Merchants, LLC, of an Amended Complaint in the action captioned *Empire Merchants, LLC v. Reliable Churchill LLLP*, No. 16-CV-05226(ARR) (E.D.N.Y.); and for such other and further relief as the Court may deem just and proper.

Pursuant to Local Civil Rule 6.1(b), Empire's answering papers are to be served and filed by February 9, 2018, and Defendants' reply papers are to be served and filed by February 16, 2018.

Dated: New York, New York
January 26, 2018

BOIES SCHILLER FLEXNER LLP

/s/ Sean F. O'Shea

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